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NO. 321 P. 1

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lehman et al.

Application No.: 10/623,953

Filed: July 21, 2003

Title: IN-SITU METALIZATION MONITORING
USING EDDY CURRENT MEASUREMENTS
DURING THE PROCESS FOR REMOVING THE
FILM

Attorney Docket No.:
KLA1P015AD2/P611A2

Examiner: UNASSIGNED

Group: UNASSIGNED

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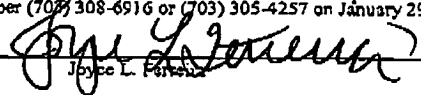
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Attention: Attorney Paul Shanowski, Office of Petitions at facsimile telephone number (703) 308-6916 or (703) 305-4257 on January 29, 2004.

Signed: _____


Joyce L. Peters

RESPONSE TO DECISION ON PETITION (RENEWED PETITION UNDER 37 CFR
1.137(f))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition mailed January 9, 2004 (copy attached), please note an application disclosing the invention described in the above-referenced patent application was foreign filed on December 22, 2000. Please incorporate this information in Applicants' previously filed petition (September 22, 2003).

We believe there are no fees due with this filing. However, the Commissioner is authorized to charge any fees to Deposit Account No. 500388 (Order No. KLA1P015AD2).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Haruo Yawata
Limited Recognition under 37 CFR § 10.9(b)

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JAN 09 2004

OFFICE OF PETITIONS

In re Application of
Kurt R. Lehman et al.
Application No. 10/623,953
Filed: July 21, 2003
Attorney Docket No. KLA1P015AD2/P611A2
Title: In-Situ Metalization Monitoring using
Eddy Current Measurements During the
Process for Removing the Film

DECISION ON PETITION

This is a decision on the petition filed on September 22, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

On September 22, 2003, the instant petition was filed with the Office. Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign country or under a multinational agreement. Unfortunately, notification of the filing of the foreign or international application did not accompany this filing.

As such, petitioner has not met the first requirement above.

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

In view of the foregoing, this petition is **DISMISSED**. Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)." Petitioner must submit the date which the foreign or international application was filed.

Petitioner is reminded that if an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made, and any petition fee would be refunded.

The reply to this letter may be submitted by mail², hand-delivery³, or facsimile⁴.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski

Attorney

Office of Petitions

United States Patent and Trademark Office

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

⁴ (703) 872-9306, attention Office of Petitions, Attorney Paul Shanowski.

**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Mr. Haruo Yawata is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Beyer Weaver & Thomas, LLP to prepare and prosecute patent applications wherein the patent applicant is the client of Beyer Weaver & Thomas, LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of Beyer Weaver & Thomas, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Haruo Yawata ceases to lawfully reside in the United States, (ii) Mr. Haruo Yawata's employment with Beyer Weaver & Thomas, LLP ceases or is terminated, or (iii) Mr. Haruo Yawata ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: August 28, 2004



Harry L. Moatz
Director of Enrollment and Discipline